

JOHN BARRETT

Interviewee: John Barrett

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Description

Judge John W. Barrett was a member of the greatest generation. Born in 1917, he lost his mother at the age of seven, grew to manhood during the Depression, and served in the U.S. Army Infantry from 1939 to 1945. He then served as a Washoe County District Court judge from 1961 to 1985. Forged in the crucible, Judge Barrett's bedrock values were duty, determination, and respect for authority, all evident in his approach to offenders.

Tall and imposing, Judge Barrett loved to tell a story and had vivid memories of the attack on Pearl Harbor and the ensuing four years of war which took him to various posts in the United States and Europe. He earned the Silver Star and Bronze Star medals while simply doing, from his standpoint, what needed to be done. This philosophy of doing what needs to be done was an underlying theme as he described his work with Judge Thomas Craven to bring the National Judicial College to Reno, his pioneering decision to allow television cameras in the courtroom, threats to his life, and his insights into the character of one of the most infamous defendants in his courtroom, Priscilla Ford. At the same time, he spoke with humor of the tribulations the daughters of a district court judge faced when dating, and he lovingly described a smaller, more personal Reno easily recognized by long-time Nevadans. In addition to many years on the bench, John Barrett's other contributions to his home state ranged from serving as deputy attorney general to participating in the Reno Little League program as a coach and commissioner.

The oral history interviews with Judge Barrett were part of the Nevada Legal Oral History Project, a joint effort of the Nevada Judicial Historical Society, the Ninth Judicial Circuit Historical Society, and the University of Nevada Oral History Program.

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*From oral history interviews
conducted by Susan Imswiler
and edited by Kathleen Coles*

University of Nevada
Oral History Program

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PREFACE

Since 1965 the University of Nevada Oral History Program (UNOHP) has been collecting eyewitness accounts of Nevada's remembered past. While there is no standard chronicler profile nor rigid approach to interviewing, each oral history plumbs human memory to gain a better understanding of the past. Following the precedent established by Allan Nevins at Columbia University in 1948 (and perpetuated since by academic programs such as ours throughout the English-speaking world), these manuscripts are called oral histories. Some confusion surrounds the meaning of the term. To the extent that these "oral" histories can be read, they are not oral, and while they are useful historical sources, they are not themselves history. Still, custom is a powerful force. Historical and cultural records that originate in tape-recorded interviews are almost uniformly labeled "oral histories," and our program follows that usage.

The transcripts that resulted from Susan Imswiler's interviews of Judge Barrett have been edited for readability, but the natural episodic structure follows the interview tapes. Amusement or laughter is represented with [laughter] at the end of the

sentence; and ellipses are used not to indicate that material has been deleted, but rather to indicate that a statement has been interrupted or is incomplete . . . or there is a pause for dramatic effect. For readers who are interested in examining the unaltered records, copies of the tape-recorded interviews are available at the UNOHP's reading room on the University of Nevada, Reno campus.

While the program can vouch that the statements in this volume were made by Judge Barrett and his wife and that they have reviewed the transcript, it does not assert that all statements are entirely free of error. As with all oral history projects, Judge Barrett has recorded his *remembered* past, and memory is never flawless. Readers should exercise the same caution used when consulting government records, newspaper accounts, diaries, and other primary sources of historical information.

UNOHP
Reno, Nevada

INTRODUCTION

Judge John W. Barrett was a member of the greatest generation. Born in 1917, he lost his mother at the age of seven, grew to manhood during the Depression, and served in the U.S. Army Infantry from 1939 to 1945. Forged in the crucible, Judge Barrett's bedrock values were duty, determination, and respect for authority, all evident in his approach to offenders and in his determination to participate in this oral history project in spite of rapidly declining health. Judge Barrett and his wife, Mary Margaret, sat for interviews in their home in southwest Reno during April and May of 2004. Hospitalized for the last time shortly before his death in June 2004, he asked Mrs. Barrett to read the rough transcripts to him, hoping to complete the chronicler review process to assure accuracy.

Tall and still imposing, Judge Barrett loved to tell a story and had vivid memories of the attack on Pearl Harbor and the ensuing four years of war which took him to various posts in the United States and Europe. He earned the Silver Star and Bronze Star medals while simply doing, from his standpoint, what needed to be done. This philosophy of doing what needs to be done was an underlying theme in the conversations as he described his work with Judge Thomas Craven to bring the

National Judicial College to Reno, his pioneering decision to allow television cameras in the courtroom, threats to his life, and his insights into the character of one of the most infamous defendants in his courtroom, Priscilla Ford. At the same time, he spoke with humor of the tribulations the daughters of a district court judge faced when dating, and he lovingly described a smaller, more personal Reno easily recognized by long-time Nevadans. In addition to many years on the bench, John Barrett's other contributions to his home state ranged from serving as deputy attorney general to participating in the Reno Little League program as a coach and commissioner.

Each interview session with Judge Barrett had to be fairly brief, so there are points of review as well as gaps in the narrative as neither chronicler nor interviewer remembered precisely what had been said in previous sessions. Editing was done with an eye to improving clarity and narrative.

The oral history interviews with Judge Barrett were part of the Nevada Legal Oral History Project, a joint effort of the Nevada Judicial Historical Society, the Ninth Judicial Circuit Historical Society (NJCHS), and the University of Nevada Oral History Program (UNOHP). The UNOHP donated equipment and transcription and editing services, and Bradley Williams of the NJCHS coordinated the project. Work was funded by grants from the John Ben Snow Memorial Trust, the Washoe County Courthouse Historical and Preservation Society, the U.S. District Court for Nevada, and the Nevada State Bar Association.

My thanks go especially to Mrs. Mary Margaret McGill Barrett, who graciously opened her home and patiently sat through the interviews as a reference for dates and names for her husband. She also took the time to gather photos and identify members of the Reno legal community and willingly picked up the task of reviewing the rough transcripts after her husband's death. She, too, is a member of the greatest generation.

SUSAN IMSWILER
Rachel, Nevada

FAMILY AND CHILDHOOD

S*USAN IMSWILER: My name is Susan Imswiler, and I am meeting with Judge John Barrett and his wife, Mary Margaret Barrett, at their home in Reno. First of all, thank you very much for taking the time. You were born in Reno in June 1917, correct?*

John Barrett: Yes. Right.

And your parents were both members of long-time Nevada families?

Long time.

Can you tell me a little bit about them?

Yes. My mother's people came from London.

Was it Wales?

No. Those lines were Welsh, English, and Scotch, and my grandfather was a Welshman. My grandparents were both Irishmen.

Mrs. Barrett [MB]: The Barretts?

Yes. The Barretts were from south Ireland. And there were lots of Barretts in Ireland. My grandparents both came from the same place in Ireland.

Did they? Did they know each other in Ireland, or did they meet over here?

This is funny. They didn't know each other. My grandfather was John Barrett, and my grandmother was Catherine Barrett. And they didn't know each other until they met in San Francisco.

That's amazing.

My mother's people, as I stated it, came from England, Wales.

What did your grandfather do?

My father's father was in the stone business, and when he got to the United States he came across the country, and by that time he'd been married to my grandmother, and they came from San Francisco to Gold Hill near Virginia City. My grandfather established a stone business there. I don't know the dates. I don't remember ever seeing a date on that.

It looks like he did the Nevada stone for the Washington Monument?

Yes! That's what I'm getting to. He did do the Nevada stone. He was selected from all the stonecutters, I guess, in the state, and he was selected to make the stone, and he did it, and it was to be put in the Washington Monument. I think it may be Reno where he was at that time. They would ask him if he had the stone built. My father told me this. Of course, my father wasn't born when the stonework was penned.

MB: He signed it.

Every time they'd ask him if he had the stone ready, he said, "It'll be ready. It'll be ready."

And finally they used to tell him, "You better get that stone!"

He says that he told them, "It's all ready." There was a train; all the stones were being shipped to Washington. When he got his stone and put it on the train, the people that had got him to do it looked at it, and it was a beautiful stone. They looked at the stone, and the stone looked fine, and then they looked down in the lower right-hand corner, as you look at it. So, carved in the stone was "J. Barrett," and they almost lost their minds.

He was a good, old Irishman, and he thought that was all right. And they were going to take it out, but there wasn't time to make a new one. So his stone went to Washington and wound up in the monument with the name "J. Barrett." And it's the only stone of that kind in there that has the maker's name on it.

Well, good for him. [laughter]

We've always liked the idea of having our name there. That's my name. [laughter]

That's pretty amazing.

But that “J. Barrett” is the only stone that has the maker’s name on it.

Yes. And then your father was also a stonemaker, wasn’t he?

Yes, he was. As he grew up he worked with his father and did the same thing, and he was a very good mason, too. This isn’t something of just laying bricks or something like that. This is the making of really beautiful drawn things that are very difficult to put in, and nobody has ever . . . well, I don’t know how many people have said, “Look at this! Well, this is the maker’s name.” There isn’t anything anywhere else in the monument. Well, he and my father both were very good at the business, and they made monuments that were big ones in the cemeteries, and they made all kinds of them. And he did some work around the university.

Are there any examples that you can think of that might still be around?

Yes, I think the entrance to the university on Center Street has the granite posts—big, heavy ones on each side of the street. You’ve seen them?

Yes, the corner of Ninth and Center.

Well, my grandfather did that.

That’s very impressive.

That’s what I’ve been told all my life. [laughter]

[laughter] You also had another fairly famous cousin, I believe, Dr. Eliza Cook, who was the first female doctor in Carson City. Can you tell me a little bit about her?

Yes, I didn't know Dr. Cook as well as I should have, but my mother's father and mother were married, of course, and my mother's mother was related to Dr. Eliza Cook. They were first cousins. And that's the way I am related to Dr. Eliza Cook.

That's quite a family.

It's not that I didn't know her at all. I did. I knew her. I've been to her home. You want to know what she did to get to be a doctor?

Actually, I'm familiar with that, and what we're going to do is go through what you went through to become a judge. I think we'll concentrate on that.

OK. Yes. Well, anyway, she was a wonderful person, and everyone liked her. She was the first medical doctor there. And of all things, she worked with a doctor, and I think he, maybe it was, got her into a school in California that became Stanford. And this is in a book. She completed the two years of medical school and became a doctor. That's all it was, two years. *[laughter]* God, they'd never get out now.

Now, your father was also a Reno city councilman, and your mother was a teacher. Did you have any brothers or sisters?

Yes, I had an older sister, who was three years older than I was, and I was five years older than my little sister. Later my mother died, and I've got a lot to say about that.

Yes, it seems that you were quite young when she died.

Yes. My little sister was two, I was seven, and my older sister was ten. It's a longer story to go over her death. I don't know whether we've got time to do that.

MB: It made a lot of difference in his life.

It did make a huge difference in your life? Then let's hear it.

There was flu in the town, and my mother had the flu, and she had it quite badly. And one night [sigh] my mother died. She had the flu, and my father called a doctor. Our family doctor wasn't there. He was out of town. He called, and he got a doctor who turned out to be a surgeon. What I remember is that my ten-year-old sister, my seven-year-old person, myself, and my little sister of two years old saw my mother carried out of the house. We went to bed that night, and in the morning my poor father had to take us three—ten, seven, and two—and tell us our mother was dead. That was a terrible thing.

MB: She didn't have the flu.

She didn't have the flu. My Uncle John Barrett had gone to the hospital with my father, and he stayed in the next room that was used there. I guess they called my dad into the room to be told that the doctor had removed my mother's appendix. The doctor told my father. He called him into the room, and there my mother was lying dead, and he told my dad that she had had a bad rupture [of her appendix]. I guess they said there was a rupture, and it had exploded, and the doctor had been unable to save her.

My Uncle John was in the next room, and the nurse came out there, and I think my mother was alive at that time, I don't

know, but he had a platter, and he said to my uncle, "Would you like to see the appendix?" And my Uncle John looked at it, and he saw this organ, and what he saw was a perfectly normal appendix.

Anyway, my Uncle John and my father left, and they talked, and my father told John [he was told] that the appendix had exploded, and it was a perfectly normal appendix, and the doctor lied. Oh, it hurt my father terribly for a good, long time.

There were times I was in the elementary school, and I was the boy who didn't have a mother. And I would take it pretty good, and people weren't mean, but I was the boy without a mother. I was the only one in my class that didn't have a mother, and it hurt terribly.

MB: That was in the days of the P.T.A.'s.

Oh, and only mothers did P.T.A.

But this is what hurt. It can be made longer, but my class had made a play, and it was being put on before the mothers for a meeting at the school, and I was the lead. And it was nice, and they liked it and all that. Then it was over, and the people at the mother's club always had something afterwards, refreshments. The mothers and children would go down into the basement of the school. Everybody was walking around and so forth and so on, and I was walking around just like everybody else. But it came time that everybody went down into the basement to get something to eat. I would have people invite me at times, you know, but I was left alone in the school, the big front place, and I was the only one that didn't go down with the mothers to have something to eat. Then, incidentally, I lived right across the street from the school.

That was Orvis Ring, right?

Yes. Here I was a kid; I forget how old I was, but I thought somebody would ask me to come down, and nobody did. And it's not because they weren't good people, it was because nobody thought of it. But there I was. I was maybe ten or eleven or something like that, and I thought of my mother. I cried. I still do.

MB: It's worse now.

But I turned, and I walked home, and that was, I guess, the biggest hurt I ever had.

I'm sure it would be.

I still have it.

MB: Tell her later about when Nellie came into your life. Your father remarried.

Oh! My father did marry. We had three kids, and he hired housekeepers, and he never thought of going out, but he finally had a younger woman as a housekeeper, younger than he was, and she had a little girl, and they lived in the house. My dad finally married her, but it was quite awhile after my mother died.

MB: Then you had a half sister.

Yes, and there was a little girl, a little baby girl, Dorothy Mae.

MB: So you had all little sisters. [laughter]

That's a lot of sisters! [laughter] What were their names? What was your older sister's name?

Esther Guinevere Barrett.

And your younger sister?

Leah Catherine.

And your step-sister?

I don't remember her middle name, but she was Patricia, and she took the name Barrett.

Yes. And then your youngest half-sister, what was her name?

Dorothy Mae.

WORK AND THE UNIVERSITY

*N*OW IT WASN'T LONG after your mother died that the Depression hit, so you must have had a fairly turbulent childhood. Do you remember family concerns, or were you concerned, for example, about finding a job after high school?

Oh, yes! My first job didn't come for a long time, because it was the Depression. When I got big enough I mowed our lawn, and I started mowing lawns, and I mowed lawns in our neighborhood from the time I could push this lawnmower.

MB: And then you went to Safeway.

And I worked on Saturday. God, when I was in college I worked at Safeway.

MB: Yes, you worked in the brewery and on the Mt. Rose road. You had both of those jobs.

A neighbor of ours owned a brewery, and their son got a job, you can bet, every time. One time they needed somebody, and there had to be nobody going into a job in the union, but they couldn't find one, and the brewery hired me for pretty much of the summer. And that was a real job.

What did you do?

Oh, I worked in the bottle house. The bottle house is where all the bottles get washed and where the beer is put in the cans and so forth. And that's why it's the bottle house.

Were jobs pretty hard to come by for you as a child?

Oh God! They were terrible. I got a job when I was in college. Jobs were just murderous to find, and I got a job on the road from Carson to Tahoe, the Mt. Rose Highway. I went to work with a pick and shovel at eight thousand feet sleeping in a tent. And that was a good job.

Now, I'm totally stabbing in the dark here. Was that a CCC [Civilian Conservation Corps] job, the Mt. Rose Highway?

No, it wasn't.

That was just regular?

It was a job that I got. It was a federal road. And I think I got something like . . . it was less than seventy-five cents an hour, and that's what the payment was.

And that was while you were attending the University of Nevada, Reno [UNR]?

I think it was. I got that job, and I made enough money to go back to school in the fall.

Did you live on campus, or did you live at home while you were in college?

No, my home was on the corner of East Seventh Street and Evans Avenue, yes.

Oh! You could practically throw a rock at it.

Yes. I walked, yes. I never rode to school.

Now, when you were at UNR you were on varsity track, you were involved in ROTC, the rifle team, things like that. Did you feel like you were on a track towards the military? Was that a conscious thing?

Yes, I hoped it would be, and it was.

Now, this would have been, oh, about 1936, 1938. Were you aware of war brewing in Europe, or did that seem far away to you?

Well, let's see, by the time I got into university and I was in the ROTC, we talked about it, and so that way I did have some [awareness], and I was ready to go.

Where did you teach school after you graduated?

Gerlach, up north. I had graduated, and I had a teacher's certificate. A friend of mine, who was older, was the principal of the school up there at Gerlach. I came home one time, and

there was a letter on the door or whatever. I forget now. And he knew that I was out and I didn't have a job. The school where he was teaching, the principal got sick, and they made him principal. And he sent this letter to me and said, "If you want a job, why, come up here." And that's what I did.

This was in 1939, and jobs were still very scarce, right?

Yes.

MILITARY SERVICE

W*HEN YOU WERE IN COLLEGE and thinking of going into the military, was it in part because you felt that there was a job available there, or was this an interest for its own sake?*

No, I was *willing* to go. I wanted to go. I wanted very much to go, and I did go. And I wanted to get into the regular army, and I did.

You earned your army officer's commission through UNR, correct?

Yes.

And then you also received the governor's medal as an outstanding cadet.

Did I?

That's what I understand.

[laughter] I forget. I was very interested in the army.

Yes. Where were you initially stationed once you joined?

Well, I left the high school where I was teaching in Gerlach to go into the army. I quit the school and went to the army. The first place I was, was up in Washington, where I was at the Vancouver Barracks. I think that's what it was. I went up there in 1940. There's an officer that's in charge of all the admissions. He was on intelligence on the staff. I had something to do with that. We got into the office of the person that handled the people coming and going and so on. We were all young.

MB: You went to the Nineteenth Infantry in Hawaii then.

My rank was second lieutenant. We all were second lieutenants.

MB: In the reserve.

This officer made a call of any of us second lieutenants who wanted to go overseas, and, God, we piled in. We didn't know where we were going, but we were going to go and get out of the country.

It must have been pretty exciting for kids just out of college.

Yes. We went in, and this officer told us what it was for, that there were so many for the Philippines and so many for Hawaii. And good *God*. Our eyes opened up and nobody could make a decision. It was between the Philippines and Hawaii.

The officer said, “Well, you guys, if you can’t make up your minds, I’m going to get straws. I’ll fix it.” And he took matches; he had long matches and short matches. If you got a short match you went to the Philippines; if you got a long one you went to Hawaii.

And everybody reached in and it went Philippines, Philippines, Hawaii. And we didn’t care, really. It was, “Boy, we’re going someplace!” When I pulled mine out, it was Hawaii. Well, that was all right with me. We finished off that, and half of us went to Hawaii, and half of us went to the Philippines, and that was great. Here came Pearl Harbor then.

And you were right in the middle of it.

Well, the Philippines were attacked and Oahu, and there’s a lot of story on that. But the one thing that I think is why I’m still here is . . . All of the fellows [that went to the Philippines]—I knew them all—*every* one of them was killed. And that’s what the Philippines was.

Now, can you just kind of walk me through the morning of December 7 as you experienced it?

Yes. I can tell you my experience. Well, for some time on the island of Oahu where Pearl Harbor was . . . Schofield Barracks was the big army post, that’s where I was. And that was staffed with a big unit of infantry and artillery, and it was just north of the center of the island. The airfield was right on the south side of Schofield. It was the big place, and that’s where I was. We had been on alert for several weeks. We didn’t know really why.

On Sunday morning, December 7, I was on the main street of Schofield, and I was sleeping on the ground floor, and a great, *big* noise came, and it was the first bomb, and it was down on Wheeler Field. And Wheeler Field and Schofield were just like

one place. I looked out the window, and I saw about three or four Japanese planes very low fly right over my head. I didn't have to ask what's happening. Wheeler Field was being bombed, and they wiped the other field out.

Well, I got up. I got dressed, and I ran out of the house, and I was right across the street from the headquarters. I ran out of that door, and I ran, and I hit the sidewalk, and I looked down to the left, and there was a Jap plane coming right down the street: "Tuh-duh- duh-duh-duh-duh-duh-duh-duh-duh-duh!" And as I tell people, I turned around in mid-air and was running back into the house. And that plane went by, and I ran out again, and there was *another* one right behind him! And I turned and ran back then. Now, a third time. Third time I ran out—and I sneaked out—and there wasn't another one coming down the street [laughter].

This is where the homes are, and some other fellows and I just happened to be in that house. There was a captain's wife, and he was already up and going across the street. And she ran out in the street, and she had two little kids, and the poor woman! Her husband had gone over to the barracks, to the headquarters, and that's where I was going. It was right across the street. I ran across the street; I grabbed the two kids and told her, "Let's go! Let's run for the headquarters." That's what we did, and I had got all of us in the building, and it was kind of funny, though, this running in and having a Jap machine gun getting at you. And then I was over there, and we're all infantry. All the infantry and artillery was being sent out. There are two places to go.

Oh, battle stations?

Yes. Down on the beaches, up in the mountains, and so forth; and the infantry was on its way, and so was the artillery. Well, men and trucks and so forth—everything was out and in position. What we were thinking of is if they had more ships

and they were going to land, that would follow up. But those beaches and so forth—there was all plenty of stuff. When they got through, they turned and went north to where their carriers must have been.

Now, in the middle of this you had your own special lady that you were worried about, too, right?

Yes.

Where was she?

She was in a house right on the border of Wheeler Field. I was going to get my commission in the regular army, but as a second lieutenant I couldn't be married. The second lieutenants couldn't get married. I don't know. That's what it seemed to be. And she was right on the edge of the place, and I was, at that time, in the staff house of the regiment.

What kinds of things did you do during that day, and how long was it until you knew that the future Mrs. Barrett was OK?

Well, I was able to get away right away. I went in the car, and all I had to do was go down the main street and turn right off there, and she was in a house there. Did I phone you first?

MB: No. The other the girl that lived there, her husband called. Said you'd be coming for us.

Yes, and I was. I stopped and this one [Mrs. Barrett] and the other girl were told to pack a suitcase and be ready to go. The other one's husband was up at the regiment, and I was down and able to get to those two girls. I took her and this other girl, and *all* of the women and kids were being gathered in the

barracks, and she was in with them, and they knew her. She'd been there just a little bit. What happened was that it was decided that all of the children and women would be put in Honolulu and that they would be taken out. And what happened on that is her story of the buses that were taken. They took them all, including her, and they went down past Pearl Harbor, and there were fires. They got a better look than we did. But they were parceled out in schools, then homes. And then I guess finally everybody was someplace, and all the women and kids were down in Honolulu.

Yes. And what was left for all of you back at the barracks to do?

I don't know. Well, all those women in the barracks were down there [in Honolulu], and the men mostly were out in the mountains and down on the beaches.

Where was your battle station?

I was right in the regimental headquarters.

After Pearl Harbor, where were you during the rest of the war? Where else were you stationed?

I went out in the field on the north shore of the island, still on the regimental staff, but I got promoted.

Now, did you spend the remainder of World War II in Hawaii, or were you stationed other places as well?

No.

MB: He got his commission.

I got that commission in the regular army. And there was a group of people who were taken and made to go back to the United States to be something called a cadre, which was a group of people for the beginnings of another unit.

Oh, so you were sort of the core of a new unit?

Yes.

MB: They were going to reactivate the Forty-Second Division, a World War I division.

We wound up in the Forty-Second at Camp Gruber, Oklahoma. That's where those people were trained, at Camp Gruber.

That brings me, actually, to a question that had occurred to me. My understanding was that as a result of isolationism on the part of the United States that the army was minimal. Did you experience that? One thing I read in Eisenhower's Crusade in Europe, that in some cases units in training actually carried wooden models of machine guns. Were you aware of this lack of preparedness immediately following Pearl Harbor?

Oh, I wouldn't say that they . . . everyone had a rifle. At some time they were using trucks for tanks, and the infantry, that doesn't have any tanks. Oh, we got along all right.

To what rank were you promoted?

Oh, I had to start over for the commission in the regular army. I was already a second lieutenant, and I had just been made a first lieutenant in the reserves, but because I was in the

regular army now, I went in as a second lieutenant, and the next day they made me a first lieutenant.

[laughter] That was quick.

Yes, it was, but it was in a different part of the army. After that I was regular army.

Now, where did you go from Camp Gruber? Where did you go after that?

MB: We went to Fort Benning, and I had my baby here.

Oh, we had certain trainings, as anybody does, and we finally got the call to go to Europe, and that's what we did.

Where in Europe were you?

MB: You were promoted to captain in Oklahoma. That's what you told me. *[laughter]*

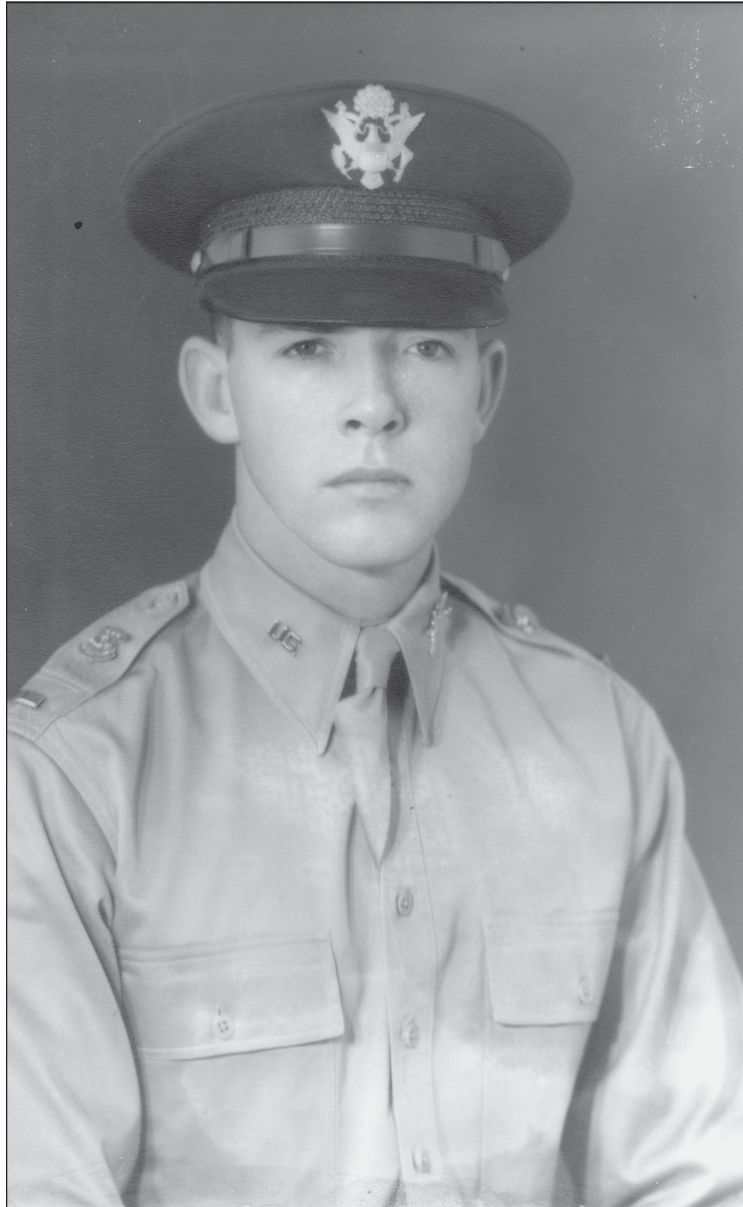
No, I was a captain in Hawaii.

MB: OK. Anyway, you were sent to Leavenworth, Kansas. You were sent to the general staff school, commander and general staff school in Leavenworth, Kansas. You were put on the staff.

Well, anyway, I got moved around.

MB: You were a major by that time.

Well, I went and I got on the staff of the Second Army. I think it was the Second Army. Leavenworth was a high school



"I went in as a second lieutenant, and the next day they made me a first lieutenant." Lt. John Barrett.

in the army. And I went to it, and I passed it fine, and then I went back into the infantry. When they need somebody, they go in and they run down every little . . . “Hey, here’s a guy named John Barrett. We’ll send him to this place.” And *bang*, they pick you out of the infantry, and I wound up in an army. Now, an army is a very big outfit.

MB: And then you were sent to school in Memphis for three months.

I didn’t get sent to Memphis for school. I went to Memphis to do a *job*.

MB: Oh. Excuse me.

I was a regular army officer in the infantry, and there was a high general who decided that the regular army officers who were young enough and fit for doing this, they . . . and that’s what they did with me. Well, I was in the place, and I was being sent back to my regiment, which was all right with me. I was a captain, and I told the colonel there that I had been shifted someplace. Every time I got in a major’s office, I’d get transferred. This one fellow and his assistant—they were good guys. I was one who came back from Hawaii, and there weren’t very many like that, and the colonel looked at the lieutenant colonel and said, “What do you think?”

Then the lieutenant colonel said, “Well, I think he’s been bounced around. That’s enough.” [laughter] He didn’t say it just that way.

And the lieutenant colonel said, “I think we ought to promote him to a major.”

The colonel said, “Well, yes, sir, go do it.” Then, of course, at that height he could do lots of things.

Then I went down to Georgia to a school I hadn't ever been to. I wanted to get that in under my belt. The word came for my division to go to Europe, and I was plucked right out, and right that day, I think, they promoted me to a major. Then I went back to my regiment as a major. From there we went to Europe, and we went in doing the shooting.

Where in Europe was this?

We were down in the south—the south of France. And we came north, and then we crossed the Rhine River and went into Germany.

Were you involved in liberating any of the prison camps in Germany and Poland?

No. No, I wasn't.

Where were you when you got news that the war was over?

MB: At the foot of the Alps, you told me.

Yes, we were pretty close to the Alps.

MB: And near Dachau. They got there right after it was liberated.

Now, after the war, you were sort of the classic returning soldier. You went to school; you settled down and had children. What kind of adjustments did you have to make after six years in the military bouncing around the world?

Well, I have to tell you first that I was transferred from the infantry to a high clerical job. The war was over. There's no more shooting.

You were a clerical officer?

Yes. As a major, why, I was the second one in that outfit.

You said you had come upon Dachau shortly after it was liberated, correct?

Well, actually, my unit was involved in taking over Munich. Dachau was north of Munich. I think there are other units that will say they got there first. I can't say who got there first, because it wasn't me, and I didn't get there first, at all. [laughter]

Now where did you say you were when you got the news that the war was over?

It was in a little village up against the Alps, and we were hearing about the things that were occurring, and we heard talk about the war ending. This little village was in France. We got the word that the war was over, and we had gotten some chickens together and things like that. In my battalion there was one officer over me, and I was the second officer. But, boy, we were so delighted that the war was ended, because we had orders—we were expected to go up the mountain on the main road, and the Germans were up there. And word came out that the war was over. Well, we didn't have to go up the mountain and get the Germans.

There was a house there, and we got some chickens and stuff. We made a dinner, and it was getting along to evening, and we had called all the battalion officers, and we were going to have a party. We started, and we got seated around the table,

and everybody was tickled to death. I was sitting there at the table, and there was a field phone hanging near me, and I picked the phone up, and I got our regimental center. The word was that we weren't going to give up on that road that we were supposed to take. We were ordered to drop everything else and go up the road at dawn the next morning, and we were then at dawn supposed to start out and go up and get fighting again. And that was a bad way to get started on a good time. Everybody was just going from: "We'd gotten the surrender," and it turned right around, "Bang!" We weren't getting the surrender.

As a matter of fact, if the surrender was real, a unit up on that road wouldn't give up and surrender. And our outfit was right there, and we were told to be ready to leave at dawn and go up the mountain and tackle these Germans. It was terrible news. But that ruined the party. Everybody went back to his unit, and we got ready to go up and fight a bunch of people that were going to do their best to get us. We got all ready, went to bed, slept if you could, and we got word during the night that our people had gotten informed in connection with the Germans, the enemy, during the night. They [the Germans] had talked with our people, and they decided to surrender, so we didn't have to go. And I'll tell you, the thought of *not* having to go out and do the shooting . . .

It must have been a tremendous relief.

It was the best thing we ever heard. And it was true! They did have a telephone call, and that was it, that the war really was over for us, too.

Now, after being in the military for something like seven years, how quickly were you able to transfer from military to civilian life?

Oh, it was not very hard. I was determined to get in the army, and I did, and I did everything I was going to go do, and I wanted to get a commission in the regular army, and I did. And that made me all right. I got a hospital that showed that I had, of all things, ulcers. If I hadn't been a regular army officer, I could have *stayed*. I was a regular officer. I was in a hospital in Paris at the time, and I was shipped back home and got in a couple of hospitals. Then it turned out that an officer in the regular army had to get ready and be able and so forth for full return to duty, and I didn't have it [the ulcer] then. I was sent back, and I felt perfectly well.

MB: You were sent to Texas.

Well, that's just one of the hospitals. I was released from the army.

You were discharged and became a civilian?

Well, I was retired from the army.

Now, I'm holding a Bronze Star medal and a Silver Star medal box. Could you tell me a little bit about earning the Bronze Star and the Silver Star?

Yes. The Silver Star is the best one, and I was astounded when they gave it to me. But I did something that I did because I had to do it. We were in a city in Germany and along a river, the Main River, and we crossed the river along with about three more regiments, and that's a lot of people. We were making a big push. And we had gotten across the river on a broken bridge, and the engineers had put enough repair in that we were able to get across the bridge and got through there one at a time across the river. We did that in the night, and by dawn we were across

the river, and we were all lined up, lined up in an immense line that we were part of. We were the first battalion with the regiment, and the fellows liked to call us the "Fighting First." And the Fighting First was commanded by Lieutenant Colonel Custer, mind you, and he was a *good* man and a good soldier. He was a lieutenant colonel, and I was a major, and I was the second in command. But we got into this city. We came in, and the battalion fought its way through the city. We got to the outer edge of the city, and we were just stuck out there. And we were told to go as far as we could, and that's why they called us the Fighting First. They'd say, "Go as far as you can," and then the Fighting First would be first. We were the first all right!

There was a building that was, oh, in reasonably good shape, so Colonel Custer pulled us all into the building, because we were looking the enemy in the face then. And we got into the building, and it was dark, and the Germans came in. Not in the *building*—they knew that some of us were in there, but they didn't know how many there were. They didn't know a whole battalion was. But it was night, and the Germans weren't fighting, and we weren't. It was plenty dark, and we got through the night. And when it became morning, the Germans began shooting, attacking us, although, they didn't know there was as many American soldiers in that building as there were.

We were shooting from the inside out, and there was a building across the street from ours, but at an angle. Our artillery was back across the river. They [the Germans] crossed the river, and we had run them off. We now had a front line. In the meantime, there had been a lot of tanks come up, and my battalion got out of connection with our regimental post there. We got the telephone connection back by getting it in one of the tanks, and there was a mess of tanks, and our unit was not in connection with it. The battalion commander was not at that point at the place where the telephone was coming in, but I was, and we got the telephone connection with the tanks. What

they wanted to do is get a connection with *our* unit, and do that somehow through the tanks. And I was the second in command, I had the phone. Somebody had to run out a hundred yards into that place and get in the tank and get the telephones straightened out, so that they would be back in connection with *our* unit. I said, "Well, who's going to go?" Well, they look around, and it was a pretty tough run. So I said I'd do it, and I ran out through the tanks. I had to get to a particular tank, and I ran and I got the numbered tank. As soon as I started out, God, the shooting started. I couldn't hear anything but machine guns.

I ran up the back of the tank that I was supposed to get in, and I put my hands on the entrance and put my feet in, and I dropped into the tank. Every infantry person carries on a belt a shovel for digging holes, and I'd forgotten about it. I just took off, and I had my shovel hanging out. Then I went down into the tank, and I stopped. My shovel was hanging on the outside, and I couldn't get in any farther. So I had to lift my way out of it and make another try, and I did it and got the shovel in, too, and I was greeted by the men in that tank. These tanks were all over. Then we got going on the telephone, and it was too bad, but they'd lost the connection with that tank. But those guys were pretty slick, and they got to another tank. So I had to climb out of *that* tank and run to another tank and get in that tank. Then we got the work done in that.

Then, I had to get out of the tank and run back, and I didn't think too much about it, except that I had to do that. It had to be done, and I got it done. I guess I was lucky, and I got back all right, and the telephone was back in business. I didn't get to thinking too much about it, because I had something to do. In the army you get an order, and, no matter how bad it is, you *do* it. You're trained to do it. I got something handed over to me to do, and I did it. I was proud to get back. Shortly after that I had the honors.



Lt. Barrett being awarded the Silver Star and the Bronze Star in Germany after the end of World War II.

Oh, you were awarded the Silver Star?

Yes. I got a letter. There it is.

I think Mrs. Barrett is holding the letter and would like to share part of it.

MB: The ending of it says, “His outstanding courage and aggressive leadership were responsible for the continuation of the attack by his battalion and contributed greatly to the successful accomplishments of the regiment.”

Very impressive.

You know, I’ve thought about that at times, and when I got in this [the oral history process], I got to thinking, “But what have I done that is worth anything?” Then I got thinking about this, and I read this thing, and that award is a very good thing.

I thought, “Goddamn. Why did they give me this?” And I got to thinking, and the way that thing is written, I decided, “I guess I did something.” And that’s what I got out of it.

I had been transferred from my unit over to a place where I was on a staff that was . . . well, the fighting was over anyway. I thought that maybe I could do a little something to show what a soldier has to do. It’s the *rottenest* way to live, to think you go when somebody tells you to just do something, you *do* it, and you *die*. That’s why the soldiers are taught to do what they are told to do. No matter what it is, do it, because somebody higher than you are is making the rules, not you.

I’m kind of curious after all the stresses and struggles of war and then building up to an ulcer, how did you go into such a low-stress, low-key career as law? [laughter]

MB: I think the peace is here.

THE PRACTICE OF LAW

***H**AD YOU DECIDED already to become a lawyer when you got out, or was this a desire that came later?*

No. I came home, and what I was doing was saying, “What am I going to do?” And I met a lot of fellows that were coming out, and I wouldn’t have come out if I hadn’t had that ulcer thing. I never thought to go to law school, but I was in the hospital in Paris, and there was a lawyer there in the same room I was, and he knew I was very hard-hearted on it, having to get out. He was from Boston, and he talked lawyer with me. And that got in my head.

I went someplace, and there were a bunch of fellows that were going to go to law school who had been out and come in like I had. One of them told me, “Go to school. Go down into California. There are lots of good law schools in California.” And that’s what I did.

I saw some fellows talking about going to law school in California, and I decided, “By golly, that’s the way to go.” And I decided to go to law school, and that’s what I did.

Did you focus on any particular aspect of the law while you were in school?

I didn't even know enough to know what things there were. Everybody gets the same education in the law school, and when you get that diploma after law school, you get into law and *then*—yes, in my opinion—*then* is when you decide what you want to do. You can find people who are talking about making something great, and then they maybe don't have what it takes for it, because you've all got the same education.

I see. And then after you graduated from Hastings College of Law—this was in 1949—you passed the state bar exam and were admitted to the Nevada State Bar the same year. Is that right?

Yes, it was 1949, and I went three years and graduated and had the examination given by the state, and that's a tough one.

That's what I hear. Do you remember your first job as an attorney?

Oh, yes. You know a lot of law, and you start in and go with an older lawyer, go with somebody else maybe, and then you get going as a working lawyer, and you learn something every day. And that's what I did.

Did you have first-day jitters the first time you tried a case in court?

Well, I'll tell you, I went with somebody, and this is what you should do. Don't just walk in not ever having had a good

case. Go with somebody that knows what he's doing. Then pretty soon you get to doing it just yourself. The more you get in the law, the trial, the better it gets.

Were there certain types of cases that you found yourself focusing on as an attorney?

I had a lot of cases that were big, lengthy-type cases, but they were ones that took time, and you learn a lot of things. You learn how to make something. I liked the criminal cases. My big one was *Nevada v. Priscilla Ford*.

Oh, OK, that was when you were a judge.

Yes.

Right now I'd like to kind of concentrate before that on when you were working as an attorney in a private practice. Did you find that you did more criminal cases or civil cases or what types of cases?

Well, I got more civil cases than criminal cases.

MB: You were an attorney for the Union Federal, which is Wells Fargo.

Oh yes, I had a little bit of some things, and a number of cases, and that helped me as a judge, too, because I had a lot of different cases [as a lawyer], and I had a lot of different cases as a judge.

MB: You were assistant attorney general when you went to Hawthorne, too.

I'd like to ask one more question about early private practice, if I might. You mentioned that it was a good idea to, as a brand new attorney, work with an older, more experienced attorney. Who did you work with when you first started out?

Kirby Unsworth was the first one, and I started out knowing what he did. He didn't take on any hard cases. They were mostly divorce and so forth.

MB: You went to Hawthorne. You had a private practice in Hawthorne.

Well, when I was first started, I had a cousin down in Hawthorne, down in the middle of the state, and he lived down there, and he got to talking to me and said, "Why don't you come down? There's only one lawyer comes down from Reno to take cases in here." And so I did. I went and got an office down there, and I was all alone down there, and I learned a lot.

MB: And you were also in the attorney general's office at the same time.

Yes.

Could you tell me how you became deputy attorney general for the State of Nevada?

Well, I was appointed. All the under-officers in that office are appointed by the attorney general. The attorney general selects his own people.

Now, your years as deputy attorney general in Nevada pretty much coincided with the McCarthy hearings. As a former member of the military and as a lawyer, what did you think of

the McCarthy hearings at the time? Did you have any opinions about them? Senator Joseph McCarthy and the UnAmerican Activities Committee?

I don't recall the McCarthy hearings. I forget a lot of my own.

Well, you have quite a history there. Following your years as deputy attorney general then, you went into private practice in Reno?

Yes. I was in Reno then, and I had an office in Reno, too. You could do it at the time and be assistant attorney general.

Where was the office in Reno?

Oh, you asked about the first office I had been under. That was Pike & McLaughlin. [Miles N.] Pike was supreme court justice, and he got tired of it and came back. The other partner was John McLaughlin.

So you had begun with Pike & McLaughlin after you'd been in the attorney general's office?

Pike & McLaughlin. And Pike was a wonderful man and a long-time friend, and he was a good lawyer.

WHEN PIKE GOT APPOINTED as a supreme court justice, why, that left just one person in the office. I was appointed a judge when an elderly judge died.

That was Judge Maestretti?

Yes, Judge [Antonio J.] Maestretti, a fine, old man.

MB: You had to run for the office at the next election.

Oh, yes, I did.

MB: You had been appointed.

I had a good place as a district judge.

Did your appointment come as a bit of a surprise when you first received it?

Well, of course, I was happy to have it. There were several people who wanted it, and several people had asked for it. Grant Sawyer was a good governor, and he appointed *me*.

He must have had quite an impressive reputation in the legal community.

Well, I knew him. He was out in Elko.

And after that, then you would run for re-election for future offices then?

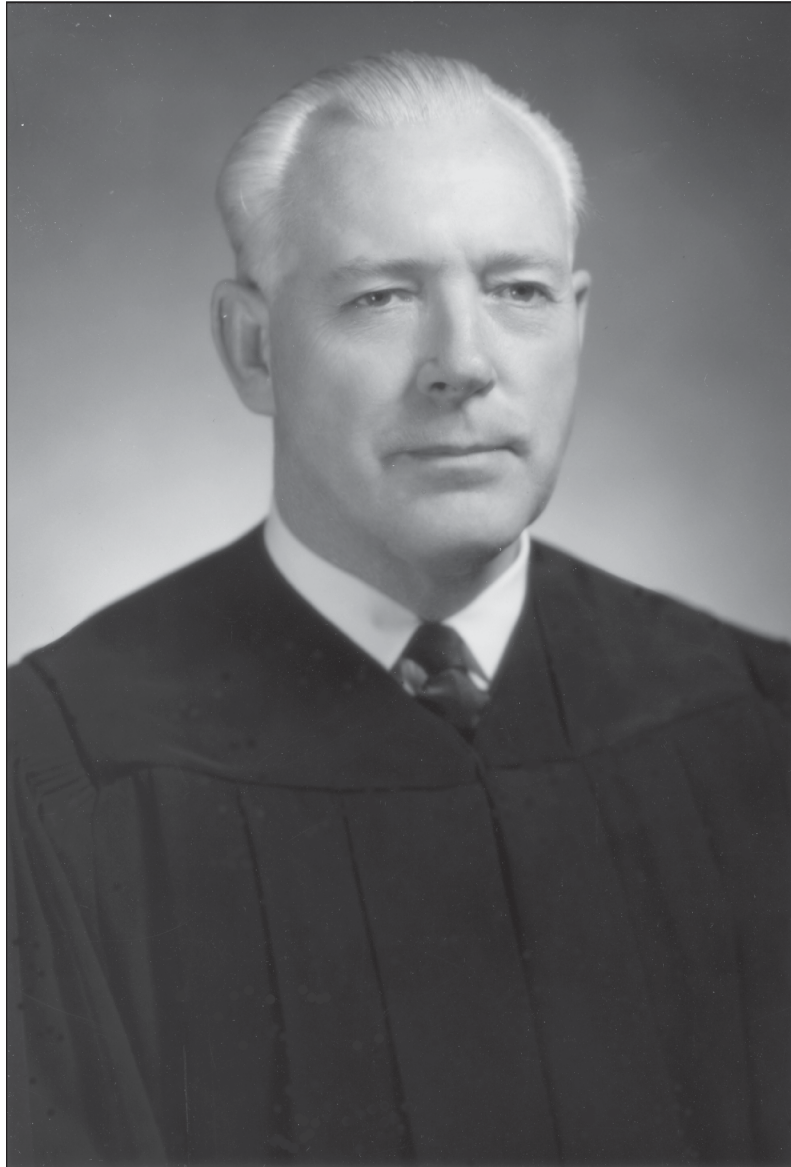
Yes.

How does the transition from being an attorney to being a judge change your social position and your political position in the local community?

You know, that's interesting, because one day you're a lawyer and you're down on the floor, and the judge is up there, and you are doing what the judge is judging. And, of course, you've been working with the cases, but, by golly, you got to get in and learn to be a lawyer. The lawyers have to really know what they're doing, and the work . . . A lot of people think lawyers have it easy. I can't count the times I've been working at midnight—as a judge, too.

I read in an article that some of the boys who had hoped to date your daughter were a little intimidated at the thought of meeting "The Judge."

[laughter] That was funny. I met some of those boys, and they just didn't know what to do, really, and I was very good with them, and I'd shake their hands. But I was "The Judge."



Judge Barrett during his service as a Washoe County District Court Judge, 1969.

Did you ever feel like that put a damper on their social life?

No, I don't think so, because they found out—I *hope* they did—that I'm just another person. It's just that I did different things.

MB: They had to be good, because they were with the judge's daughter.

Oh, the boys had to be good?

MB: Yes.

Did they have to pass muster?

MB: They couldn't do anything bad, is what I mean.
[laughter]

Oh, I know, always, when we had the kids coming up here in high school, I asked where my girls were going, and if some boy was going to pick them up, they didn't just honk the horn and open the door and she's in and out. They then had to come in to meet the [parents]. Is that right?

MB: Oh, yes!

You mentioned the workload. Did you notice a change in your workload once you became a judge?

Yes. The workload gradually grew. It just grew. We had lots of cases coming in, and Saturday morning was when I was reading [the cases]. I wondered whether I was able to ever catch up. I can't *really* remember ever being up-to-date, because there's a lot more than sitting in that courtroom. There are cases

that have to be heard, and you have to have a lot of reading, and they are difficult legal points. You just don't go and flutter by and not do a good job. And I think I did what I had to do.

You must have become an expert in some pretty different areas as a result of hearing some of these cases.

Well, yes, you could.

MB: You had so many water cases. I think you were an expert in that.

Oh, I had water cases. Water cases are hard cases, and I had some experience in the attorney general's office with water cases. Water cases are so *rare*. They're much more rare now than they were. But they were so rare that there wasn't one in a hundred lawyers that could handle a water case. I happened to stumble into it in the attorney general's office. The attorney general's office handled water cases, and I got some there. Oh, my daughter, Betty . . . her boss is a water lawyer and a good one, and I had him in water cases.

Now, how are cases assigned? Were you assigned water rights cases because people knew you'd had experience, or are the cases just assigned randomly?

I don't think the people know whether I knew straight up about water. When I was in law school—and I graduated in 1949—we didn't know anything about water. And in law school when we got to the case on water in the text, the professor said, "Well, I'll let you know, from now on, we're going to skip this part of the book." Now, this was and is the best school in the country. It's the first school west of the Mississippi River, and it's a good one. But he said, "Just go on over to the next section,

because there are no, or so *few*, water cases, why, it's not worthwhile taking everybody through that." And this was a good professor, too.

So you didn't study the Orr Ditch Decree, which had just come out in 1944? That was the definitive water rights case in the Truckee Meadows, and he had you just skip over that?

Well, I didn't learn any water law in the case. I got the important law, what water law I know, through the attorney general's office, and that young man—not so young now—is a good water lawyer, and I think, perhaps, the only water lawyer in the state. He's a much better water lawyer than I am, but if I get a water case, I have to take it. And they are few and far between still. Somebody will come in and have a water case, and we'll take the water case, and the only thing you can do is go to some water lawyer and find out what to do. And he didn't know straight up. A lot of cases with water, someone'll take the case, and then when he starts with the case, he won't know any more than his client does. Those cases are that way. I don't know or can't *tell* you a lot more than that. Nevada is and has been really the best case. The best case to have on water is Nevada.

This fellow Betty works for, he's busy, busy. He's a good lawyer and he did endless cases.

Did you ever have cases that raised constitutional issues?

Oh, I think so, but I can't think of any of them now offhand.

Well, we can always go back to that. What was the most difficult type of case for you to preside over? Were there any that you really hated to see coming?

Well, any case is hard to do if you've got people that are hard to deal with. I never am—or was—one to take people down and shout at them and so forth, *but* if the lawyers or people started to get out of line, I talked to them. And I usually was able to get them lined up. Well, I didn't have really a lot of bad people.

Were there any cases that had a direct impact on you or your family? For example, were you ever threatened as a result of a case?

Yes. [laughter]

Can you tell me about that?

One time I had two separate offers for killing me. One day the D.A. pulled up at our house. I went out and got in the car with him, and he told me that there was a call in to the D.A.'s office that there was going to be some killing and that my office was mentioned. The D.A. had got it. And it was a call, and somebody in Reno here, oh, they called in and said that I was on the killing list.

Now, was this as a result of a decision you had handed down, or did they want you off of a particular case?

I never knew what they were . . . I *did* know with one [call]. It came into my office, and my secretary came in. It was right at five o'clock, and this guy had told her that I was on the list and that I was number one.

So someone called your secretary and said you were number one on a hit list?

Yes. And he made a reference to a bunch of bums down in California that *were* actually killing lawyers, judges. They had killed a judge. And there was this outfit that they had down there, they were some of the same people. I don't know who the hell they are. I know they're no good.

Did you feel that you needed to take steps at that time to protect your family? Did you feel your family was in any danger, or did you just feel that you personally were in danger?

Oh, I think it was that [the latter]. The sheriff's office came and got me in the morning to go to the courthouse and take me home at night. I did that for some time, and I carried a gun. There was another time I carried a gun, too.

Have there been any cases that really stood out in your mind? You mentioned, for example, the Priscilla Ford case¹. We're familiar with the facts of that case. What impression did you have? Were there things that really stood out in your mind about that particular case?

Well, for six months I sat at that bench and looked at Priscilla, and she never once made a bad move. I mean, she was well-educated. She was a teacher at the college, and she had a time someplace where she deserved a better job than what she [actually] got. And I think what bothered her was that she wasn't properly treated. She was able to get a better job than she got, and she was right. She never got a *decent* place. I think that she had a grudge against the people that were treating her badly. And she's in the pen. I don't know. I stared at her every day, and she was polite; she was smart—*really* smart. And I didn't know what made her do what she did. Don't know for sure what the heck it was. That's probably the only thing that I know. She had a nice family. She had kids, and they were all

grown, and they were all polite, and they testified in court, and they were nice people.

Did you ever find it difficult to leave work at work? Did you find that there were times when a case you might be hearing just sort of haunted you?

Like one I'd rather not have?

Yes.

I don't know. I tell you, I got along very well with the cases in court, and I treated them decently. I don't really think I can answer that question. If I had to select, I'd say no.

Are there certain elements that you find that make a good, fair trial? What do you think it takes for someone to get a good, solid trial?

Well, I think that a good case . . . and not necessarily whether it was good or bad, but the people in it were polite; they didn't get noisy or anything like that. Nobody did things out of order. But this doesn't really answer your question. When they select a jury, the people are questioned, and they are asked lots of questions. One day we had a bunch of people in the jury box and asked the questions. Have you ever been on a jury?

Yes.

Well, then you know that the judge will ask people to tell you if they are willing to do a good job and do what the judge says. And there was a man. He wasn't a kid, but it got down to asking him a question, and it had taken quite a while to get this

jury. And this fellow, I asked the question, “Do you intend to do a good job?” and so forth.

And he says, “Yes!” [laughter] He says, “You know, I’ve been sitting here all this time and listening to what you’re doing.” And he said, “You bet! This is a . . . it’s fair!” [laughter] But he told everybody that the jury was a good business, a good thing.

I had all sorts of people that will tell you flat out, if you ask them if they’re going to follow the instructions that the judge gives the jury. And one guy said, “No! Nobody’s going to tell me what to do.” [laughter]

And I said, “Well, if you get on this jury, and you are asked a hard question, are you going to follow the instructions as the judge has dictated the law to you?”

“No, sir! No! There’s nobody going to tell *me* how to do it!”

[laughter] And I said, “Well, you wouldn’t follow these instructions that I would give the jury?”

“Yes, that’s right!”

And I looked down at the two lawyers, and I said, “Counsel, you want to have this man on the jury?”

And they both said, “No.” [laughter]

And I said, “Get out of here.” [laughter]

But this guy was the only one I ever had that did it that badly.

Did you find that there were frequently people who might do something like that in order to be dismissed on purpose?

Yes. Yes, I did. And if they don’t want to be there, they’re usually, probably, going to not do a good job.

MB: May I say something?

Sure.

MB: You asked about—oh, what was it—did the lawyers try to get him because he was a water judge, and he knew something about it?

Yes.

MB: I think all the lawyers, from what they told *me*, liked to get in his court because he was fair. That was the main thing.

OK. So you had a reputation for being evenhanded and fair, and that's why the attorneys hoped to get you as the judge?

Yes.

Note

1. On Thanksgiving Day in 1980, Priscilla Ford drove her car onto a sidewalk in downtown Reno, killing six people and injuring twenty-three. She was sentenced to death but died of natural causes in prison in January 2005.

ORDER IN THE COURT

Now I want to talk about judicial techniques and judicial administration, but first I want to ask one sort of back-up question. We had mentioned the Priscilla Ford case earlier, and I was wondering if there were any other cases whose personalities or issues really stood out?

Well, I think the way you word it that some of the parties stood out. I did Priscilla Ford. She sat for just about six months. She always acted like a lady. She didn't really complain. Her attorney didn't want her to get on the witness stand in a courtroom, and she seemed pretty sure that she had to be a witness, and she wrote me a letter with everything in it. Her attorney was not at all happy about it. At that point I told him, told them and everybody else, that if she wanted to be a witness, she was going to be a witness. And I let her be put on the witness stand against the advice of her attorney.

If they're going to get on the stand, the witness—the defendant—can put a lot of things in there that the attorney would advise them not to. And they didn't have to do that.

Do you think that helped her case or hurt her case?

She was a good witness for the state. It didn't make much difference ever, because the evidence without hers was totally against her.

If people watch TV today and they see courtroom scenes, they tend to see a lot of high drama. Did you ever have fist fights break out? How similar, or how different, is the real courtroom from what most people would see on TV?

Well, the real courtroom is controlled, and the judge keeps the people in pretty good line. I did have some that if they got out of line, they got knocked back into line. If somebody was doing something they shouldn't, you'd have to control the courtroom. Someone who does get out of hand, you put them in their place. If somebody makes trouble, the judge gets the person or persons and puts them in place. And you don't have to scream. I loved that, but you put them in and tell them what you're going to do if they don't shut up. Once in awhile attorneys get to arguing, and it's not proper.

Who did you find caused the most trouble in general, attorneys or defendants? In terms of courtroom order, who did you find that you had to squelch most often, either attorneys or defendants?

Well, you don't have to squash or quash too many then, because you can tell an attorney what the law is, tell him what you're going to do with him, and do it. You don't have to yell

your head off, but what you do is give them a good, sharp reprimand—reprimand the lawyers, telling them they know better than that. There's not too much of that. There's not really too much of that difficulty, and after you do give it to them, they don't do it again, or they could have a term in the jail. I never did have a great amount of it at all. I talked to people when they had it coming.

I want to ask you a question in a slightly different direction here. Did you find that you saw defendants on a repeat basis? Were there some people that you just saw over and over again? I mean people who are brought up for one crime and then a year later you see them again for some other crime? Did you have a lot of repeat criminals in your courtroom, or repeat offenders? One of the places I was going with this question was with the repeat faces, you recognized early on a need for a juvenile court long before one was actually instituted, didn't you, and you were anxious to create a juvenile court system separate from the adult court?

Yes, I did. My reason was there should be a children's court, because it would be better than mixing the children's court up with the adult court.

MB: And you had an overload.

I didn't like to get the children's court. We'd get it, and we'd do it, but it was not anything like they do now. There were some people who wanted to go have a children's court and take the children. It wasn't that I didn't like kids or anything, and I did my share, but I wanted to have the other kind of the courtroom—civil court and criminal court—and I liked getting a tough case, but a hard one. I like to have adult cases, civil and criminal.

Do you think then that there were some people who were more inclined to handle juvenile cases, and you felt that you were more inclined to handle adult cases?

Yes. It was just what I liked myself. I liked the adult cases.

Now, you mentioned you liked having tough cases. How would you define a tough case? What would make a case tough?

Oh, I don't know how to describe it. Well, there can be civil cases that get very complex, and they'll drag on long. And the criminal cases, too—the criminal cases can drag out. In a criminal case the defendant's attorney is doing his best to give all the law he can in favor of the defendant. And some of those go back and forth, back and forth, and use everything they can. The defense attorneys will come back again with a question that has been covered, where the judge has given the defense a ruling on this. The judge says, "No!" on the question and then hints that you can take questions and come back and reword the question on the same subject time and time again. When that gets done, you have to be careful in hard, bad cases. You will have to be sure you don't make any mistakes in the law. And I think I had patience, and I did take those things until I wore them out. They wore me out.

But in a case that went to the supreme court in Carson, one of the marshals made a note in the decision that they sent to the supreme court about the patience of the judge. That was the Priscilla Ford case. And he said something about the patience of the judge. I did that over and over, because I was a patient judge. The defense attorney asks the same question time and time again, and he words it differently. And I made no errors in that, and that's what I wanted to do. Oh, they can make a note on the patience of the judge.

Of the long-suffering judge? How much homework do you as a judge have to do before a case? You know, the attorneys have all kinds of preparation. Let's say with a lawsuit on some topic, do you have to go and do background preparation before a case?

In a case I read the papers, and then you never know what's going to happen, how the evidence is going to be, and so forth. You get some real surprises, some that do just bang, all of a sudden something that nobody could be coming up with something like that. And the attorneys will get a situation like that, and they'll argue, and the judge has to make a decision on whether it's this way or that way.

Do you remember any specific surprises, anything that kind of caught you off guard?

Yes. What I would do is, there'd be a question that would come up, and the plaintiff attorney and the defense attorney would come up to me. I had this thing in mind, and I listened to the arguments that the attorneys were making. There's a lot of times when you're wondering what to tell them that you're going to do, but you've got to make a decision on that. And you'd have everything in the court to make the decision. You can be thinking about the thing, "How about this, how about this, how about this?" and at the same time listening to the attorneys and who made the best argument, and you are the only one that can decide it. And there are lots of questions. It's tough.

In any of those cases, can you, for example, call a recess and maybe talk to some other judges and say, "What do you think?" Or do you have to just keep everything within your own courtroom?



Washoe County District Court Judges, c. 1972. Left to right: Emile Gezelin, John Gabrielli, Tom Craven, John Barrett, Grant Bowen, and James Guinan.

Oh, you don't do that, go and call all the judges in the courthouse and ask, "What do you think here?" You do it yourself. Maybe there are times when you recess the court on questions like that and take the attorneys in your office and the jury doesn't hear what you're saying. That happens very often.

Did you ever second-guess yourself? Did you ever look back on a decision or ruling and think, "Oh, I wish I had done it differently."?

Oh, all I can say is I'm not God. I made this decision, and I was right or wrong on it.

MB: But you were never reversed.

I don't know whether I was or not, but I had a good record on the cases that got into the supreme court.

Did you find after you retired that you followed the national trials with interest, or is that sort of like a busman's holiday, that once you retired you weren't interested in judicial proceedings anymore?

I don't read a bunch of cases. I'm almost like anybody else. You get the newspaper and think, "Hey, that's a bummer." But I don't read all of the cases. I get one once in awhile.

MB: You followed the O. J. Simpson trial shortly after you retired.

Yes, I did. I did follow the Simpson trial, and I think that you know the Simpson trial. It was a woman district attorney who was doing that, and in my opinion, the best lawyer in that case was that woman, Marcia Clark. She was the best lawyer there. She had some good lawyers, but she was the main one. And those other guys were hard fast doing some things that made me feel dreadfully sorry for that judge. That judge was someone who was not good enough. And the poor guy. In my opinion, I would have made a good judge on that one. Oh, I thought he was terrible. And the defense attorneys . . .

Are you a friend of Johnnie Cochran, the lead defense attorney?

Was that the new one?

MB: The main one.

Yes. He gave that judge a . . . If I was sitting there, I would be sorry for the judge. But he was getting questions thrown by that Johnnie Cochran, and I was sorry for him. And Marcia Clark was getting bad rulings. He would take her and rule against

her, and he was wrong. In my opinion, she was the best attorney in there.

You think it was a matter of the defense attorney having a much stronger personality than the judge? Do you think the judge was not a strong enough personality?

I thought that the prosecuting lady was the best lawyer, and she knew what she was doing, and she was doing it right, and that Johnnie Cochran was beating that judge to death.

You were the first judge—at least the first judge locally—to allow television cameras in your courtroom. What made you make that decision, and what kind of a reaction did you get from other judges, from lawyers, other people in the courtroom?

Well, I didn't ask any other judges. Media people came to me, and the lawyers and people said, "No, you can't let the TV in!"

And I told them, "You can let everything else in. Why not the TV?" And I told them if the TV people were sensible then they'd be under my rule. They thought I was a really good guy. And I did [let them in]. Why can't the TV get in on this, too? As far as I was concerned, it wasn't anything like a lot of people thought, "Oh, God, you can't let the TV in here!" TV is in everything else, and everything else is on TV.

Anyway, there were those fellows in the media. I laid down rules for people, and they were so pleased that I did this. I laid the rules out and told them, "You follow the rules." And they were so pleased, and they did everything I told them, and they got to do it.

What rules did you lay down?

Oh, I laid down rules that were for keeping the camera off the children. The rule was you don't ever put the camera on the children. And they didn't ever get the children on that. Somebody had a microphone and put it on the defense attorney's table, and I looked down, and they had no business putting it there on somebody's table like that. I said, "Who put that mike there? Get that mike off the desk!" And he came running up. God, I scared the devil out of him.

And I said, "Now, get another place!" In the courtroom there weren't too many places to put those things. And this kid—he was almost a kid . . . And Jesus, everybody agreed that that was really a funny one. He turned to me, and he had it in his hand, and then he said, "Well, where will I put it?"

And I said, "Don't ask me, because I'm liable to tell you where to put it. Up your behind." [laughter] I said it just that way. And, God, the whole courtroom laughed.

I think it was the first place where TVs were in court, and it got out pretty fast, too. And, God, it got down to the other judges in there, and they weren't too fast to do it, either. They thought, "Oh, God! What a terrible thing to have TV in here—in the courtroom."

Do you remember which trial it was?

No, I don't. And, by golly, just these first [TV people], I told them what they had to do, and they did everything I told them to. And there were people saying, "Oh my gosh, you can't possibly put the TV in the courtroom!"

And I said, "Why not?"

I had an attorney from down in California come up, and it was just horrors, "You let the TV in?!"

This California lawyer was up here, and somebody introduced him to me. He said, "Oh!" and he was talking about

this TV in my courtroom, and he said, “Did you do this? Let the TVs get in the courtroom?”

And I said, “Yes, I let them in there.”

“Oh, my God!” It was just the worst thing that anybody ever did. And from what I heard, it sounded like I must be the first person in the United States. [laughter] I must be the first, and therefore the worst. In California, oh boy, it was a horrible thing to do.

Sounds like you created quite a stir.

It sure did.

Well, another of your pioneering efforts was in bringing the National Judicial College to Reno. You and Judge Thomas Craven worked to do that.

Yes, it was Tom. We got some people that we were talking with, and this was a school up at the university—the judicial college. Tom Craven and I were made judges at the same time. And he knew more people than I did, but he got working and getting people from far back. The first thing we did, we now made the judicial college. There were places all over the country that wanted it! And we wanted it, the chair, here in Nevada.

What was the process? Did you have to put a bid together like an Olympic committee puts a bid together, or how did you manage to bring it to Reno?

Well, they had some people from other universities and such. One man, Tom knew him pretty well. And they picked Nevada. Anyway, now we have people coming in from other universities, to the judicial college here in Reno.

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